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Agency Code: 551	Agency Name: Texas Department of Agriculture	Prepared By: Heather Griffith Peterson	Date: 8/27/2010	Request Level: Base																						
Current Rider Number	Page Number in 2010 -11 GAA	Proposed Rider Language																								
1	VI-3	<p>Performance Measure Targets. The following is a listing of the key performance target levels for the Department of Agriculture. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Department of Agriculture. In order to achieve the objectives and service standards established by this Act, the Department of Agriculture shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.</p> <p>A. Goal: MARKETS & PUBLIC HEALTH Outcome (Results/Impact):</p> <p>Percent Increase in the Number of Sales Facilitated</p> <table><tr><td><u>2010</u>2</td><td><u>2011</u>3</td></tr><tr><td>7% 2.5%</td><td>2.5% 7%</td></tr></table> <p>Percent of Ag Pesticide Inspections in Compliance with</p> <p>Pesticide Laws and Regulations</p> <p>Percent of Rural Communities Assisted</p> <p>A.1.1. Strategy: GENERATE MARKETING OPPORTUNITIES</p> <p>Output (Volume):</p> <table><tr><td>Number of Acres Inspected for Seed Certification</td><td>182,000</td><td>182,000</td></tr><tr><td colspan="3"><i>(Measure moved to A.1.5 and LBB approved changing this form a key to non-key measure.)</i></td></tr><tr><td>Number of Rural Community Projects in Which TDA Provided Assistance</td><td>652</td><td>652</td></tr><tr><td>Rural Development Activities and Events in Which TDA Participated</td><td>175</td><td>175</td></tr><tr><td>Businesses Assisted with Expansion, Recruitment, and Retention Prospects in Rural Texas</td><td>1,055</td><td>1,055</td></tr></table> <p>A.1.2. Strategy: REGULATE PESTICIDE USE</p> <p>Output (Volume):</p> <table><tr><td>Number of Agricultural Pesticide Complaint Investigations Conducted</td><td>225</td><td>225</td></tr></table>			<u>2010</u> 2	<u>2011</u> 3	7% 2.5%	2.5% 7%	Number of Acres Inspected for Seed Certification	182,000	182,000	<i>(Measure moved to A.1.5 and LBB approved changing this form a key to non-key measure.)</i>			Number of Rural Community Projects in Which TDA Provided Assistance	652	652	Rural Development Activities and Events in Which TDA Participated	175	175	Businesses Assisted with Expansion, Recruitment, and Retention Prospects in Rural Texas	1,055	1,055	Number of Agricultural Pesticide Complaint Investigations Conducted	225	225
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3.B. Rider Revisions and Additions Request (continued)

	<p>A.1.3. Strategy: INTEGRATED PEST MANAGEMENT Output (Volume): Hours Spent Informing Producers and Surveying Cotton for Compliance with Cotton Stalk Destruction Deadlines</p> <p>11,500</p> <p>11,500</p> <p>Number of Inspections to Verify Compliance for Organic or Other Crop Production Certification Programs</p> <p>400</p> <p>400</p> <p>A.1.4. Strategy: CERTIFY PRODUCE Output (Volume): Number of Pounds of Fruits, Vegetables, Peanuts and Nuts Inspected (in Billions)</p> <p>2.67</p> <p>2.67</p> <p>A.1.5. Strategy: AGRICULTURAL PRODUCTION DEVELOPMENT <i>This is new strategy created by moving the following programs from A.1.1: Aquaculture, Commodity Boards, Export Pens, Family Land Heritage, Feral Hog, Plant Health and the Livestock Assistance, Specialty Crop and Urban Schools grants.</i> Number of Acres Inspected for Seed Certification 182,000 182,000</p>
	<p>B. Goal: ENFORCE STANDARDS Outcome (Results/Impact): Percent of Seed Samples Found to Be in Full Compliance with State and Federal Standards</p> <p>97%</p> <p>97%</p> <p>Percent of Licensees, Individuals, and Businesses Who Renew Online</p> <p>29.94%</p> <p>29.94%</p> <p>Percent of New Individual and Business Licenses Applied for Online</p> <p>42.63%</p> <p>42.63%</p> <p>Percent of Complaints Resolved Within Six Months</p> <p>75%</p> <p>75%</p> <p>Percent of Independent School Districts Inspected Found to be in Compliance</p> <p>92%</p> <p>92%</p> <p>B.1.1. Strategy: SURVEILLANCE/BIOSECURITY EFFORTS Output (Volume): Number of Nursery and Floral Establishment Inspections Conducted</p> <p>9,500</p> <p>9,500</p> <p>Number of Hours Spent at Inspections of Plant Shipments and Regulated Articles</p> <p>9,900 9,100 9,900 9,100</p>
	<p>B.1.2. Strategy: VERIFY SEED QUALITY Output (Volume): Number of Official Seed Inspection Samples Drawn & Submitted for Analysis</p> <p>5,157 5,000 5,157 5,000</p> <p><i>The original target was 9,100. TDA proposed an increase of 800 hours through SB, which did not pass the 81st Legislature.</i></p> <p><i>(TDA has historically targeted 5000 official seed samples based upon available TDA resources and has reached a performance at or slightly over 5000. In recent years, the industry standard for distribution of some agricultural seed has slowly changed from bagged</i></p>

3.B. Rider Revisions and Additions Request (continued)

seed to bulk distribution methods, which not only provides a more efficient method of distributing seed but also provides for easier handling of seed by producers. This change in industry practices has resulted in less seed available at dealers for sampling and this trend is anticipated in the future. In FY 2010, it is anticipated that TDA will achieve a performance for this measure near 4910. Hence a target of 5000 is an ideal target for future years.)

B.1.3. Strategy: AGRICULTURAL COMMODITY REGULATION			
Output (Volume):			
Number of Egg Packer, Dealer, Wholesaler, and Retailer Inspections Conducted	2,100		2,100
Number of Grain Warehouse Inspections, Re-inspections, and Audits Conducted	275		275
B.1.4. Strategy: STRUCTURAL PEST CONTROL			
Output (Volume):			
Number of New Individual and Business Licenses Issued	6,038	5,000	6,038
<i>(Initial target was to high as license attrition was not factored in)</i>			
Number of Licenses Renewed (Individuals and Businesses)	14,100		14,100
Number of Complaints Resolved	210		210
Number of Structural Business License Inspections Conducted	950		950
Number of School Inspections Performed	200		200
Efficiencies:			
Average Licensing Cost Per Individual and Business License Issued	17		17
C. Goal: ENSURE PROPER MEASUREMENT			
Outcome (Results/Impact):			
Percent of Total Weights and Measures Device Inspections Found in Full Compliance with State and Federal Standards	96%		96%
C.1.1. Strategy: INSPECT MEASURING DEVICES			
Output (Volume):			
Number of Weights and Measures Device Inspections Conducted	132,982		132,982
D. Goal: FOOD AND NUTRITION			
Outcome (Results/Impact):			
Percent of School Districts in Compliance with Nutrition Regulations	89.7%		89.7%
D.1.1. Strategy: SUPPORT NUTRITION PROGRAMS			
Output (Volume):			
Number of School District Staff Trained	20,682		20,682
D.2.1. Strategy: NUTRITION ASSISTANCE			

(continued)

<u>320,521</u>	<u>287,178</u>	<u>292,921</u>	<u>326,932</u>
41		41	
156		156	
<u>3,649,649</u>	<u>3,649,649</u>	Approved by LBB	
<p>be expended for capital budget items as listed below.</p> <p>or expended on other capital expenditures, subject to</p> <p>expenditures provided in the General Provisions of this</p> <p><u>2010-2012</u> <u>2011-2013</u></p>			
\$ 383,937	\$ 177,938		
629,620	629,620		
<u>\$ 1,809,600 604,550</u>	<u>\$ 717,600 0</u>		
<p>not system moved from FY 2011 to FY 2012)</p>			
<u>\$ 2,823,157 1,618,107</u>	<u>\$ 1,525,158 807,558</u>		
\$ 554,752	\$ 469,752		
\$ 40,000	\$ 40,000		
147,978	147,606		
<u>\$ 3,565,887 2,360,837</u>	<u>\$ 2,182,516 1,464,916</u>		

3.B. Rider Revisions and Additions Request (continued)

		Method of Financing ((Capital Budget):	
		General Revenue Fund	\$ 1,756,287 \$ 1,464,916
		Federal Funds	1,809,600 604,550 717,600 0
		Total, Method of Financing	\$ <u>2,360,837</u> \$ <u>2,187,516 1,464,916</u>
		<i>Changes made to update years for the appropriation request and to reflect expenses for the final phase of the federally funded nutrition information system occurring in FY 2012.</i>	
3	VI-5	Fee Increase Authority and Limitation. The Texas Department of Agriculture shall collect fee amounts, which offset, when feasible, the direct and indirect costs of administering its regulatory activities. The department is hereby authorized to and shall increase fees by a percentage sufficient to offset costs associated with its regulatory activities. It is the intent of the Legislature that the cost offset percentage shall be 100 percent for regulatory activities in the following strategies: A.1.1, <u>Generate Marketing Opportunities</u> ; A.1.2, <u>Regulate Pesticide Use</u> ; A.1.3, <u>Integrated Pest Management</u> ; B.1.1, <u>Surveillance/Biosecurity Efforts</u> ; B.1.3, <u>Agricultural Commodity Regulation</u> ; B.1.4, <u>Structural Pest Control</u> ; and C.1.1, <u>Inspect Measuring Devices</u> . The following activities are exempt from this requirement: Seed Testing; Quarantine Enforcement/Education; Piece Rate Crop Survey ; Pest Management Program; Agriculture Hazard Communication Act; Boll Weevil Control Act; and Predatory Management Program.	
		<i>Changes were made to reflect the elimination of Piece Rate during the 2008 Sunset Review process.</i>	
4	VI-5	Appropriation: Land Donations. In connection with the performance of its various responsibilities and programs the Texas Department of Agriculture is hereby authorized to use funds appropriated by this Act to lease and/or accept the donation of land or the use of land from: (1) governmental agencies;(2) private firms; (3) corporations; (4) individuals; (5) or other persons.	
5	VI-5	Pay for Regular Compensatory Time: Livestock Export Pen Operations. It is expressly provided that the Texas Department of Agriculture, to the extent permitted by law, may pay Fair Labor Standards Act (FLSA) nonexempt employees in classified positions who are stationed at Texas Department of Agriculture livestock export pens for compensatory time hours on a straight-time basis when the taking of compensatory time off would be disruptive to normal working activities and other critical functions relating to livestock export pen operations.	
6	VI-5	Transfer Authority. Notwithstanding limitations on appropriation transfers contained in the General Provisions of this Act, the Texas Department of Agriculture is hereby authorized to direct agency resources, and transfer such amounts appropriated above between strategy line items.	

3.B. Rider Revisions and Additions Request (continued)

7	VI-5	<p>Appropriation: Young Farmer Loan Guarantee Program Texas Agricultural Fund. Out of the Texas Agricultural Fund (formerly designated as the Young Farmer Loan Guarantee Account No. 5002), the Texas Agricultural Finance Authority is hereby appropriated for fiscal years 2012 to 2013 to, all necessary amounts required to cover any defaults on loans guaranteed under, Chapter 58, Subchapter E referred under § 58-055, Texas Agriculture Code, or for payments for the purpose of providing reduced interest rates on loans guaranteed to borrowers as authorized by § 58.052(e), Texas Agriculture Code.</p> <p><i>This rider has been updated to reflect the years for the appropriation request and changes made to Chapter 58 by SB 1016.</i></p>
8	VI-6	<p>Unexpended Balances Within the Biennium. Any unexpended balances as of August 31, 2010, in the appropriations made herein to the Texas Department of Agriculture are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010.</p> <p><i>This rider has been updated to reflect the years for the appropriation request.</i></p>
9	VI-6	<p>Appropriations Limited to Revenue Collections: Oetane Testing. Included in amounts appropriated above to the Texas Department of Agriculture in Strategy C.1.1, Inspect Measuring Devices, the amount of \$355,137 from Appropriated Receipts (Revenue Object Code 3015) in each fiscal year of the biennium is contingent on the collection of fees, in accordance with Article 8614, § 9, Vernon's Texas Civil Statutes, to be used solely for the purpose of administering an octane testing program.</p> <p><i>This rider was incorporated into Rider 28.</i></p>
10	VI-6	<p>Appropriations: License Plate Receipts. Included in the amounts appropriated above in Strategy A.1.1, Generate Marketing Opportunities, are all balances and revenue collected on or after September 1, 2009 to (estimated to be \$4,000-\$7,000 in GO TEXAN Partner Program Account No. 5051 in each fiscal year) from the sale of license plates as provided by Texas Transportation Code § 504.625. Any unexpended balances as of August 31, 2010, out of the appropriations made herein are appropriated to the Texas Department of Agriculture for the fiscal year beginning September 1, 2010.</p> <p><i>This rider has been updated to reflect the years for this appropriation request and to increase the estimated revenue collected to equal historical data.</i></p>
11	VI-6	<p>Interagency Contract: Oyster Promotions and Education. Contingent upon sufficient funds in the Oyster Sales Account No. 5022, the Texas Department of Agriculture shall enter into an interagency contract with the Texas Department of State Health Services for oyster industry advertising and promotion efforts and to provide information, education and/or training to wholesalers, retailers, and consumers on the safe and proper handling of oysters, in accordance with Texas Agriculture Code § Chapter 47.</p> <p><i>This rider has been updated to correct a citation error.</i></p>

3.B. Rider Revisions and Additions Request (continued)

12	VI-6	<p>Master Lease Purchase Program (MLPP) Payments for the Metrology Laboratory. Included in the amounts appropriated above to the Texas Department of Agriculture in Strategy C.1.1, Inspect Measuring Devices, out of the General Revenue Fund, are amounts required in fiscal years 2010-2012 and 2011-2013 to make lease payments to the Texas Public Finance Authority for the revenue bonds issued to finance construction of the metrology laboratory. The amount of the required lease payments are estimated to be \$147,978 in fiscal year 2010-2012 and 147,606, in fiscal year 2011-2013.</p> <p>The Texas Department of Agriculture shall set fees for the metrology program to recover an amount equal to the amount of the appropriations made herein for lease payments, and maintain the fee rate in such an amount during the term of any revenue obligations authorized herein.</p>
13	VI-6	<p><i>This rider has been updated to reflect the years for this appropriation request.</i></p> <p>Appropriation: GO TEXAN Partner Program. Included in amounts appropriated above to the Texas Department of Agriculture in Strategy A.1.1, Generate Marketing Opportunities, is \$1,000,000 \$941,867 out of the GO TEXAN Partner Program Account No. 5051 in fiscal year 2010-2012 for the purpose of promoting Texas agricultural products. This amount consists of \$1,000,000 \$ 941,867 out of the General Revenue Fund to be transferred to the GO TEXAN Partner Program Account No. 5051.</p> <p>Also included in amounts appropriated above in Strategy A.1.1, Generate Marketing Opportunities, is \$1,000,000 \$941,867 in Appropriated Receipts received as matching funds from program participants including gifts. All appropriations shall be transferred to the GO TEXAN Partner Program Account No. 5051 and are appropriated for the purpose of administering the program.</p> <p><i>This rider has been updated to reflect the years for this appropriation request and to decrease the amount appropriated to include the 5% legislative reduction in the 2010/2011 biennium.</i></p>
14	VI-6	<p>Contingency to Increase the Full-Time-Equivalents (FTE) Cap for New Initiatives.</p> <p>Contingent upon the receipt of federal funds above those appropriated herein for programs related to surveying, controlling or eradicating invasive pests or disease, the Texas Department of Agriculture is hereby authorized to increase its number of FTEs to the extent that federal funds are allocated for salary costs. These FTEs shall not be counted in the agency's "Number of Full-Time-Equivalents (FTE)" cap.</p>
15	VI-6	<p>The Texas Department of Agriculture shall report all additional FTEs authorized by this provision to the Comptroller of Public Accounts, Legislative Budget Board and the Governor prior to filling such positions.</p> <p>Appropriations Limited to Revenue Collections: Prescribed Burn Manager Certification Program. In addition to amounts appropriated above, the Texas Department of Agriculture is hereby appropriated fees collected (estimated to be \$ 0 for FY2010-12 and for FY2011-13) in accordance with §153.048, Natural Resources Code, to be used solely for the purpose of administering a prescribed burn manager certification program in Strategy A.1.2, Regulate Pesticide Use.</p>

3.B. Rider Revisions and Additions Request (continued)

		<i>This rider has been updated to reflect the years for this appropriation request.</i>
16	VI-7	Agricultural Sustainability Programs. Out of funds appropriated above, the Texas Department of Agriculture may study, develop, and implement, creative technology and innovative solutions to mitigate agricultural non-point source pollution in the state from confined animal feeding operations and improve total resource management of agricultural and wildlife resources in the state.
17	VI-7	Appropriation of Receipts: Yardage Fees. Included in the amounts appropriated above pursuant to Agriculture Code § 146.021 and included above in Strategy A.1.1, Generate Marketing Opportunities, and identified above in the method of finance as General Revenue in an amount not to exceed \$200,000 for each fiscal year is yardage fee revenue collected by the Texas Department of Agriculture for maintenance and operating expenses for livestock export pens.
18	VI-7	Texas Capital Fund. All grants awarded by the Texas Department of Agriculture under the federal Community Development Block Grant Program for infrastructure development and real estate development. <i>Downtown Revitalization and Main Street program awards, under the federal Community Development Block Program shall be delivered to rural non-entitlement communities to promote community development and job growth. All regions of the state will be encouraged to participate. distributed with a priority on assisting manufacturers and value-added processors. To the greatest extent practicable, these funds are to be distributed equitably to all regions of this state.</i> <i>This rider has been updated for clarification purposes to be more descriptive of the purpose of the fund.</i>
19	VI-7	Food and Nutrition Programs. Included in the amounts appropriated above to the Texas Department of Agriculture for the 2010-11 <u>2012-13</u> biennium is \$47,999,772-51,921,454 out of Federal Funds and \$398,248 out of the General Revenue Fund in Strategy D.1.1, Support Nutrition Programs, to administer the Food and Nutrition Programs. In Strategy D.2.1, Nutrition Assistance, \$669,944,222 <u>816,755,100</u> in Federal Funds and \$110,958 in General Revenue Funds are used to administer the Child and Adult Care Food Program, the Summer Food Service Program, the Emergency Food Assistance Program, and to make payments to providers participating in the Child and Adult Care Food Program, the Commodity Distribution Programs, the Summer Food Service Program, the

3.B. Rider Revisions and Additions Request (continued)

		Education Agency and the CNP shall be administered by the Texas Department of Agriculture pursuant to a waiver from the United States Department of Agriculture (USDA). Included in the amounts appropriated elsewhere in this Act to the Texas Education Agency for the 2010-11 2012-13 biennium is \$2,978,564,501 3,411,935,289 out of Federal Funds and \$29,278,000 29,236,682 out of the General Revenue Fund to provide reimbursement for the National School Lunch Program, the After School Care Program, the Seamless Summer Option, and the School Breakfast Program. <i>This rider has been updated to reflect the years for this appropriations request and the amounts for these programs.</i>
20	VI-7	Texas Wine Marketing Assistance Program. Included in the amounts appropriated above out of the General Revenue Fund is \$250,000 each fiscal year in Strategy A.1.1, Generate Marketing Opportunities, from fee revenue transferred from the Texas Alcoholic Beverage Commission pursuant to Texas Alcoholic Beverage Code § 5.56 for the purpose of administering the Texas Wine Marketing program.
21	VI-7	Texas Shrimp Marketing Assistance Program. Included in the amounts appropriated above out of the General Revenue Fund in Strategy A.1.1, Generate Marketing Opportunities, is \$25,000 each fiscal year from fees collected pursuant to Agriculture Code § 134.014(b) and the fee revenue transferred from the Texas Parks and Wildlife Department pursuant to Parks and Wildlife Code § 77.002 for for the purpose of administering the Texas Shrimp Marketing program, estimated to be \$156,867 each fiscal year. <i>During the 81st Regular Legislative Session, HB 4593 passed and modified the Texas Shrimp Marketing Assistance Program to only include wild-caught shrimp and eliminate the requirement that TDA shall assess and collect a surcharge on the annual license fee for Texas aquaculture facilities producing shrimp. The bill went into effect September 1, 2009.</i>
22	VI-7	Appropriation: GO TEXAN Rural Community Program. Included in amounts appropriated above to the Texas Department of Agriculture in Strategy A.1.1, Generate Marketing Opportunities, is \$1,000,000 \$900,000 out of the General Revenue Fund in fiscal year 2010 2012 for the GO TEXAN Rural Community Program. <i>This rider has been updated to reflect the years for this appropriation request and to decrease the amount appropriated to include the 5% legislative reduction in the 2010/2011 biennium.</i>

3.B. Rider Revisions and Additions Request (continued)

23	VI-7	<p>Appropriation: Feral Hog Abatement Program. Included in the amounts appropriated above out of the General Revenue Fund in Strategy A.1.1, Generate Marketing Opportunities, is \$1,000,000 <u>\$900,000</u> in fiscal year 2010 2012 to be used to implement feral hog abatement technologies.</p> <p>The Texas Department of Agriculture shall submit a report to the Legislative Budget Board and the Governor no later than September 1, 2010 2012 providing information on the number of feral hogs abated and the cost per abatement using certain technologies.</p> <p><i>This rider has been updated to reflect the years for this appropriation request and to decrease the amount appropriated to include the 5% legislative reduction in the 2010/2011 biennium.</i></p>
24	VI-8	<p>Appropriation: Surplus Agricultural Product Grant Program. Included in the amounts appropriated above out of the General Revenue Fund in Strategy A.1.1, Generate Marketing Opportunities, is \$1,500,000 in fiscal year 2010 2012 to be used to fund the Surplus Agricultural Product Grant Program to offset the costs of harvesting, gleaning and transporting agricultural products to Texas food banks.</p> <p><i>This rider has been updated to reflect the years for this appropriation request.</i></p>
25	VI-8	<p>Appropriations Limited to Revenue Collections: Structural Pest Control. It is the intent of the Legislature that fees, fines and other miscellaneous revenues as authorized and generated by the Department of Agriculture cover, at a minimum, the cost of the appropriations made above for strategy item B.1.4, Structural Pest Control, as well as the "Other direct and indirect costs" associated with this strategy, appropriated elsewhere in this Act. "Other direct and indirect costs" for Strategy B.1.4, Structural Pest Control, are estimated to be \$479,662 for fiscal year 2010 2012 and \$504,384 for fiscal year 2011 2013. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.</p>
26	VI-8	<p>TexasOnline Authority Appropriation. The Texas Department of Agriculture (TDA) is authorized in accordance with § 2054.252 of the Government Code to increase the occupational license, permit, and registration fees imposed on licensees by an amount sufficient to cover the cost of the subscription fee charged by the TexasOnline Authority.</p> <p><i>Amounts appropriated above to TDA include \$103,150 in each fiscal year in fee revenue in Strategy B.1.4, Structural Pest Control, for the purpose of paying TexasOnline Authority subscription fees.</i></p> <p><i>This rider has been modified to reflect the integration of the former Structural Pest Control into TDA.</i></p>

3.B. Rider Revisions and Additions Request (continued)

2727	V18V1-8	<p>Sunset Contingency. Funds appropriated above for fiscal year 2011 for the Department of Agriculture are made contingent on the continuation of the Department of Agriculture by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010, or as much thereof as may be necessary are to be used to provide for the phase-out of agency operations.</p> <p><i>This rider has been deleted to reflect the continuation of the Department of Agriculture as authorized by SB 1016 of the 81st Legislature.</i></p>
28	V1-8	<p>Appropriations Limited to Revenue Collections: Fuel Quality Testing. Included in amounts appropriated above to the Texas Department of Agriculture in Strategy C.1.1, <i>Inspect Measuring Devices, the amount of \$855,137 from Appropriated Receipts (Revenue Object Code 3015), and any related capital budget authority, in each fiscal year of the biennium is contingent on the collection of fees, in accordance with Texas Agriculture Code, § 17.104, to be used solely for the purpose of administering a fuel quality testing program.</i></p> <p>Contingency Appropriation for Fuel Quality Testing. Contingent on passage of legislation relating to conducting fuel quality testing and enforcement, by the Eighty-first Legislature, Regular Session, the Department of Agriculture is hereby appropriated \$500,000 in fiscal year 2010 and \$500,000 in fiscal year 2011 in Strategy C.1.1, <i>Inspect Marketing Devices, out of Appropriated Receipts, and any related capital budget authority, to conduct fuel quality testing and enforcement as provided in the legislation.</i></p> <p>Additionally, this appropriation is contingent upon the Department of Agriculture assessing fees sufficient to generate, during the 2010-11 biennium, \$1,000,000 in additional revenue deposited to the credit of the Comptroller revenue object code 3015 generated by the testing and enforcement of fuel quality.</p> <p><i>This rider was combined with Rider 9 thereby eliminating Rider 9 (related to octane). Also, we will need to make sure \$500,000 per fiscal year is added into the base.</i></p>
29	V1-8	<p>Commodity Programs. Included in the amounts appropriated above out of the General Revenue Fund is \$137,500 in Strategy A.1.3, <i>Integrated Pest Management, in each fiscal year of the 2010-11 biennium, and \$60,000 in Strategy B.1.3, Agricultural Commodity Regulation, in each fiscal year of the 2010-11 biennium for the purposes of funding two Program Specialists to process applications in the Organics Program and one Grain Warehouse Audit Specialist in the Grain Warehouse Program. This funding is contingent upon the Department of Agriculture assessing fees sufficient to generate, during the 2010-11 biennium, \$464,140 in excess of the amounts contained in the Comptroller of Public Accounts 2010-11 Biennial Revenue Estimate for revenue generated by the Department of Agriculture in fiscal years 2010 and 2011 that is collected and deposited into the General Revenue Fund as Comptroller revenue object codes 3795, 3414, and 3400. Also, the "Number of Full-time Equivalent Positions (FTE)" figure indicated above includes 3.0 FTEs in each fiscal year contingent upon the Department of Agriculture generating the amount of revenue indicated above. The Department of Agriculture, upon completion</i></p>

3.B. Rider Revisions and Additions Request (continued)

		<p>of necessary actions to access or increase such additional fees, shall furnish information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriations shall be made available for the intended purposes.</p> <p><u>Fees associated with Rider 29 have been established and are generating sufficient revenues. Additionally, as the amount and FTEs are now included in the base appropriations, it is requested that the rider be deleted.</u></p>
30	VI-8	<p>Zebra Chip Research. Out of funds appropriated above in Strategy A.1.1, Generate Marketing Opportunities, in fiscal year 2010 2012, \$1,600,000 1,440,000 shall be used to fund research of the Zebra Chip Disease affecting potatoes in Texas. The Texas Department of Agriculture and the Texas Agricultural Experiment Station <i>AgriLife Research</i> shall enter into an interagency contract for the funds appropriated above to be used for this research. Any unexpended balances remaining in the appropriation on August 31, 2010 2012 are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010 2012.</p> <p><i>This rider has been updated to reflect the years for this appropriation request, change in name to AgriLife Research, and to decrease the amount appropriated to include the 5% legislative reduction in the 2010/2011 biennium.</i></p>
31	VI-9	<p>Out-of-State Travel Reimbursement. The agency may exceed the out-of-state travel cap for travel paid for or reimbursed by federal dollars or another third party.</p>
32	VI-9	<p>One-time Uncollectible Debt Payoff. Included in the amounts appropriated above in Strategy A.1.1, Generate Marketing Opportunities, in fiscal year 2010, is \$14,700,000 in the General Revenue Fund to retire the debt of the Texas Agricultural Finance Authority.</p> <p><i>This rider is deleted to reflect one time appropriation.</i></p>

3.B. Rider Revisions and Additions Request (continued)

33	VI-9	<p>Fleet Planning and Optimization Pilot Program. Out of funds appropriated no later than December 31, 2009, the Texas Department of Agriculture shall implement a Fleet Planning and Optimization Pilot Program designed to manage the Department's fleet operations. In order to implement the Pilot Program, the Department shall contract with a vendor whose qualifications include at least ten years of experience in planning, routing, scheduling, and dispatching for fleets to maximize operational performance, and the ability to enable the Department to utilize leading edge model based artificial intelligence for fleet planning and optimization. Contract payments to the selected vendor shall be made solely out of savings to the Department that are realized out of the implementation of the Program, and such payments shall not commence until such time as the program has achieved at least a five percent reduction in the total cost of the Department's vehicle fleet management operations. The Department shall complete a report to the Office of Vehicle Fleet Management in the Office of the Comptroller of Public Accounts regarding the results of the Program.</p> <p><i>This rider is deleted to reflect one-time nature of pilot program.</i></p>
34	VI-9	<p>GO TEXAN Certified Retirement Communities. Included in the amounts appropriated above, out of the General Revenue Fund, to the Department of Agriculture in fiscal years 2010-2012-13 in Strategy A.1.1, Generate Marketing Opportunities, is an amount equal to the revenue deposited to the credit of the Comptroller revenue object code 3428 related to Certified Retirement Communities in the 2008-09 biennium (estimated to be \$240,312). The amounts appropriated above, out of the General Revenue Fund, to the Department of Agriculture on Strategy A.1.1, Generate Marketing Opportunities, also include the revenue deposited to the credit of the Comptroller revenue object code 3428 related to Certified Retirement Communities in each fiscal year of the 2012-13 biennium (estimated to be \$150,000 each fiscal year). All fees for this program shall be deposited into a dedicated account, which is not subject to funds consolidation, with all unexpended balances carried forward between biennia.</p> <p><i>This rider has been updated to reflect the years for this appropriation request and additionally uses the authority to carry forward money in the fund between biennium, as the fees collected is for services over a 5-year period.</i></p>
35	VI-9	<p>Unexpended Balances Carried Forward Between Biennia. Included in the amounts appropriated above, for use during the 2010-11 Biennium, are all unexpended balances (due to efficiencies or other cost savings of the Department), not to exceed the lesser of (1) \$1,208,267; or (2) 1 percent of all monies appropriated and/or allocated to the Texas Department of Agriculture from the 2008-09 2010-11 biennium. The appropriations herein are for ensuring the continuation of high priority programs within the Texas Department of Agriculture.</p>

3.B. Rider Revisions and Additions Request (continued)

		<i>This rider has been updated to reflect the years for this appropriation request.</i>
36	VI-9	One-time Uncollectible Debt Payoff and Boll Weevil Eradication ¹⁰ included in amounts appropriated elsewhere in this Act to the Department of Agriculture is \$14,700,000 in fiscal year 2010 from the General Revenue Fund in Strategy A.1.1, Generate Marketing Opportunities, to be used to retire the debt of the Texas Agricultural Finance Authority. Up to \$10,000,000 of this amount may alternatively be used for boll weevil eradication with prior notification of the Legislative Budget Board and the Governor. ¹⁰ Rider is duplicated from Article IX, § 17.19, of this Act.
		<i>Rider is deleted to reflect one time appropriation.</i>
701		Capital Budget Expenditures from Federal and Other Funding Sources. The Texas Department of Agriculture (TD) is hereby exempted from the capital budget rider provisions contained in Article IX of this Act when gifts, grants, inter-local funds and federal funds are received in excess of the amounts identified in the agency's capital budget rider and such funds are designated by the donor, grantor or federal agency solely for construction and repairs, or purchase of specific capital items. Amounts expended from these funding sources shall not count towards the limitation imposed by capital budget provisions elsewhere in this Act. The TDA shall notify the Legislative Budget Board and the Governor upon receipt of such funds, of the amount received and the items to be purchased.
		<i>This rider allows TDA to use federal funds to purchase capital equipment if allowed by a grant, donation or federal award.</i>
702		Fee Revenue: Hostable Cotton Fees and Volunteer Cotton Fees. Any fees collected by the Texas Department of Agriculture pursuant to Agriculture Code §74.0032 and §74.119 for the purpose of administering the cotton stalk destruction program and noncommercial cotton program on or after September 1, 2011 (estimated to be \$0) are hereby appropriated to the department for the biennium ending August 31, 2013.
		<i>HB 1580 established the authority for TDA to collect fees for hostable commercial and hostable noncommercial cotton. The fees were not appropriated to TDA and this rider would provide TDA with the ability to collect fees and pass along to The Texas Boll Weevil Eradication Foundation for eradication purposes, which was the intent of the legislation.</i>
703		Appropriations Limited to Revenue Collections to Meet Service Demand. In addition to amounts appropriated above from the general revenue fund, the Texas Department of Agriculture is hereby appropriated fees collected from services pursuant to Agriculture Code 62.008 and 61.009 - seed certification and testing; 12.021 - phytosanitary inspection; and 13.115 - metrology lab testing. This appropriation is contingent on the collection of inspection and testing fees for the above services in excess of the amounts contained in the Comptroller of Public Accounts Biennial

3.B. Rider Revisions and Additions Request (continued)

		Revenue Estimate for fiscal years 2012 and 2013 (estimated to be \$2,194,000). The number of Full-Time Equivalents (FTE) for the Department may be increased to meet the demand for service and are contingent upon available funding. This increase shall not be counted toward the agency's FTE cap.
		<i>In the seed, plant health, and metrology programs, TDA provides services for a fee. However, if there is a greater than anticipated request for the services, TDA may not be able to meet the demand for certain requests due to limited resources. This rider will appropriate fees when excessive requests for services are received and will allow TDA to adjust its FTEs to provide these services.</i>
704		Promotion of Texas Nursery and Floral Industries. In addition to the amounts appropriated above, the Texas Department of Agriculture is hereby appropriated fees collected in FY 2012 and 2013 in accordance with §12.0177 of the Agriculture Code. Fees shall be appropriated from the General Revenue Fund and credited to the Texas nursery and floral account in Strategy A.1.1, Generate Marketing Opportunities, for the purpose of the promotion of Texas nursery and floral industries and program administration.
		<i>This rider corrects an oversight that occurred when the nursery floral account was created in the 81st Regular Legislative Session but funds were not appropriated to the Texas Department of Agriculture (TDA). Due to the oversight, TDA did not collect fees in FY 2010 or 2011. This rider allows the agency to implement the program and utilize funds collected through a voluntary fee increase for purchasers of nursery floral licenses for the purpose of promoting and marketing the Texas nursery and floral industries and for related administration.</i>
705		Equine Incentive Program. In addition to the amounts appropriated above, any fees collected in accordance with Section 12.044 of the Agriculture Code in FY 2012 and FY 2013 (estimated to be \$0 per year) are hereby appropriated from the General Revenue Fund to Strategy A.1.1 Generate Marketing Opportunities. Included in the amount appropriated above, out of general revenue to the department of Agriculture in fiscal year 2012. Strategy A.1.1. Generate Marketing Opportunities is an amount equal to the revenue deposited to the credit of the comptroller's revenue object code 3400 related to the Texas Equine Incentive Program in the 2010-11 biennium, estimated to be \$50,000. for the purpose of the encouraging participation in Texas horse events. All fees for this program are to be deposited into a dedicated account, which is not subject to funds consolidation, with all unexpended balanced carried forward between biennia.
		<i>This rider corrects an oversight from when the program was created and allows the agency to utilize program receipts to administer the Texas Equine Incentive Program pursuant to Agriculture Code Section 12.044. Unexpended balances must be carried forward between biennia because the fee collected cannot be expended until the foal for which it was collected is of the proper age to compete in horse events completing the horse's eligible for the program.</i>

3.B. Rider Revisions and Additions Request (continued)

706		<p><u><i>Texas Israel Exchange Research Grant Program. Included in the amounts appropriated above out of the General Revenue Fund in Strategy 5.1.1 is \$450,000 in fiscal year 2012 to be used to fund the Texas Department of Agriculture's (TDA) portion of the Texas Israel Exchange Research Grant Program pursuant to Chapter 45 of the Agriculture Code. The program partners with Texas educational institutions and the Binational Agriculture Research and Development Board to fund collaborative agricultural research and development activities conducted jointly by scientists in Texas and Israel.</i></u></p>
707		<p><i>Management Action 3.2 of TDA's Sunset Final Report requests the agency to make the budget request for this program more transparent. This informational rider serves to accomplish this goal.</i></p> <p>Ocean Going Vessel Livestock Export Services. In addition to the funds appropriated above, and contingent on the department's establishment of ocean-going vessel livestock export services, is appropriated in Strategy A.1.5 – Agricultural Production Development any revenue received for operating such services. The number of Full-Time Equivalents (FTEs) for the Department may be increased to meet demand for ocean going vessel livestock export services and are contingent upon available funding. This increase shall not be counted toward the agency's FTE cap.</p> <p><i>Currently, there are no ocean-access livestock export facilities in Texas. The nearest export service of this nature is in Miami, Florida. TDA has been approached by industry to help identify and potentially establish these services on a fee-funded basis to enable Texas producers to export more Texas products outside of the U.S.</i></p>